

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 124 – HB 541**

February 22, 2011

**SUMMARY OF BILL:** Requires the petitioner for an order of protection to pay the court costs, filing fees, litigation taxes and any other costs for the respondent associated with the petition if the court dismisses the petition.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue - \$90,800/General Fund  
\$191,700/Dedicated Funds**

**Increase Local Revenue - \$1,852,800**

**Assumptions:**

- According to the Tennessee Court Clerks Association, under current law courts are not assessing costs against petitioners for orders of protections that are dismissed or withdrawn.
- The proposed legislation will authorize courts to assess court costs, filing fees, litigation taxes, and attorney fees against petitioners for orders of protection filed by victims or non-victims that are dismissed or withdrawn.
- Based on the data provided by the Tennessee Court Clerks Association, there are approximately 25,310 orders of protection dismissed or withdrawn each year.
- Total costs associated with orders of protection are estimated to be \$179.50 per order filed. Of this amount, \$23.75 is the state privilege tax on litigation, leaving \$155.75 in county costs and fees.
- According to the Fiscal Review Staff Report on Uncollected Criminal Case Fines, Costs, and Litigation Taxes (September 2008), 47 percent of costs are recoverable. The remaining 53 percent is assessed against petitioners who are indigent or otherwise unable to pay.
- Local revenue will increase by approximately \$1,852,755 (25,310 x \$155.75 x 47%).
- State revenue is estimated to increase approximately \$282,523 (25,310 x \$23.75 x 47%).
- The state privilege tax revenue (\$282,523) is earmarked to the general fund and other dedicated funds as follows:
  - \$90,832 (32.1502%) to the General Fund
  - \$90 (.032%) to the Tennessee Corrections Institute
  - \$9,414 (75% of 4.443%) to the Department of Education
  - \$3,138 (25% of 4.443%) to the Department of Safety

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- \$1,851 (.6553%) to the State Court Clerks Conference
- \$2,375 (.8406%) to the Victims of Crime Assistance Fund
- \$67,811 (24.002%) to the Criminal Injuries Compensation Fund
- \$3,886 (1.3755%) to the Victims of Drunk Drivers Compensation
- \$10,638 (3.7653%) to the Criminal Indigent Defense Fund
- \$1,562 (.5529%) to the Administrative Office of the Courts
- \$54,499 (19.2902%) to the Public Defender Program
- \$21,105 (7.4701%) to the Civil Legal Representation of Indigents
- \$6,514 (2.3056%) to the General Fund for Grants to Local Government
- \$968 (.3426%) to the Sex Offender Treatment Fund
- \$7,839 (2.7747%) for Driver Education in Public Schools.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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